

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JOYCE HOLLADAY,

PLAINTIFF

v.

**OTA TRAINING, LLC, OTA
SOLUTIONS, INC. AND ROBERT
P. SABELLA, INDIVIDUALLY,**

DEFENDANTS

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CIVIL ACTION NO. 3:14-cv-519

JURY DEMANDED

ORIGINAL COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW Plaintiff Joyce Holladay, by and through her undersigned attorney of record, and sues Defendants OTA Training, LLC, OTA Solutions, Inc. and Robert P. Sabella, Individually (collectively “Defendants”) and in support thereof would show unto this Honorable Court as follows:

1. Plaintiff brings this action for unpaid minimum wage, unpaid overtime compensation and other relief under the Fair Labor Standards Act, as amended, 29 U.S.C. §216(b) (“FLSA”).

2. Plaintiff is an individual residing in Tarrant County, Texas.

3. Defendant OTA Training, LLC is a domestic limited liability company formed and existing under the laws of the State of Texas and maintains and operates its principal office in Richardson, Texas. Defendant can be served with process by serving its registered agent for service of process, Robert P. Sabella at 1203 Huntington Drive, Richardson, Texas 75080 or at 14827 Preston Road, Apt. No. 1505, Dallas Texas 75240.

4. Defendant OTA Solutions, Inc. is a domestic corporation formed and existing under the laws of the State of Texas and maintains and operates its principal office in Dallas, Texas. Defendant can be served with process by serving its registered agent for service of process, Robert P. Sabella at 1203 Huntington Drive, Richardson, Texas 75080 or at 14827 Preston Road, Apt. No. 1505, Dallas Texas 75240.

5. Defendant Robert P. Sabella is an individual who, upon information and belief, resides in Tarrant County, Texas, and at all times relevant to this claim acted directly or indirectly in the interest of Defendant OTA Training, LLC and OTA Solutions, Inc. in relation to Plaintiff's employment. Additionally, Defendant Robert P. Sabella was substantially in control of the terms and conditions of Plaintiff's work. Defendant Robert P. Sabella was an employer of Plaintiff as defined by 29 U.S.C. §203(d). Robert P. Sabella may be served with process at 1203 Huntington Drive, Richardson, Texas 75080 or at 14827 Preston Road, Apt. No. 1505, Dallas Texas 75240.

6. Jurisdiction is conferred on this Court by Title 28 U.S.C. §1331, Title 28 U.S.C. §1337, and by Title 29 U.S.C. §216(b).

7. Venue is proper in this district under 28 U.S.C. § 1391.

8. At all times pertinent to this Complaint, Defendant OTA Training, LLC and OTA Solutions, Inc. were enterprises engaged in interstate commerce. At all times pertinent to this Complaint, Defendant OTA Training, LLC and OTA Solutions, Inc. regularly owned and operated businesses engaged in commerce or in the production of goods for commerce as defined by §3(r) and 3(s) of the Act, 29 U.S.C. §203(r) and 203(s). At all times pertinent to this Complaint, upon information and belief, Defendant OTA Training, LLC and OTA Solutions, Inc. had gross operating revenues in excess of

\$500,000.00. At all times pertinent to this Complaint, Defendant OTA Training, LLC and OTA Solutions, Inc. employed two or more persons.

9. Plaintiff was individually engaged in commerce and her work was essential to Defendants' business.

10. Plaintiff worked for Defendants from August of 2012 through April of 2013 as a bookkeeper.

11. Defendants regularly refused to compensate Plaintiff for all hours worked each week. No justification or excuse existed for Defendants' practice of failing to compensate Plaintiff for all work performed each week.

12. As such, Defendants failed to pay Plaintiff minimum wages for all hours worked. Failure to pay minimum wages was and is in violation of the FLSA. Defendants willfully violated Plaintiff's rights under the FLSA.

13. During one or more weeks of Plaintiff's employment with Defendants, Plaintiff worked in excess of forty (40) hours (overtime hours).

14. During one or more weeks of Plaintiff's employment with Defendants wherein Plaintiff worked overtime hours, Defendants failed to pay Plaintiff one and one-half times her regular rate of pay for each overtime hour worked (overtime compensation).

15. The acts described in the preceding paragraph violate the FLSA, which prohibits the denial of overtime compensation for hours worked in excess of forty (40) per workweek. Defendants willfully violated Plaintiff's rights under the FLSA.

16. As a result of Defendants' unlawful conduct, Plaintiff is entitled to actual and compensatory damages, including the amount of minimum wages and overtime

wages which were not paid and which should have been paid.

17. Plaintiff seeks and is entitled to an award of liquidated damages in an amount equal to her unpaid minimum wage and her unpaid overtime pay pursuant to Section 216 of the FLSA.

18. Plaintiff also seeks compensation for expenses and costs of court that will be incurred in this action. Plaintiff is also entitled to reasonable and necessary attorneys' fees pursuant to 29 U.S.C. § 216(b).

WHEREFORE, PREMISES CONSIDERED, Plaintiff Joyce Holladay requests that:

1. The Court assume jurisdiction of this cause and that Defendants be cited to appear;
2. The Court award damages to Plaintiff as specified above with Defendants being found jointly and severally liable;
3. The Court award reasonable and necessary attorneys' and expert fees and costs;
4. The Court award Plaintiff pre-and post-judgment interest at the highest rates allowed. Plaintiff further prays for any such other relief as the Court may find proper, whether at law or in equity.

JURY TRIAL DEMAND

Plaintiff demands a jury trial on all issues so triable.

Respectfully submitted,

/s/ Douglas B. Welmaker
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